

DOCKET FILE COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
)

Amendment of Section 73.622(b),)
Final DTV Table of Allotments,)
Television Broadcast Stations)
(Clovis, New Mexico))

RM-_____

FILED/ACCEPTED

JUN 20 2008

Federal Communications Commission
Office of the Secretary

PETITION FOR RULEMAKING

Barrington Amarillo License LLC ("Barrington"), licensee of television station KVIH-TV, Clovis, New Mexico (Channel 12), and permittee of television station KVIH-DT, Clovis, New Mexico (Channel 20) (collectively, "KVIH" or the "Station"), respectfully requests that the Commission amend Section 73.622(b) of its rules, the DTV Table of Allotments, to replace the Channel 20 allotment for Clovis, New Mexico with an allotment for Channel 12.¹

As the Commission is aware,² KVIH, a satellite of full-power station KVII-TV, Amarillo, Texas, intends to construct its final, post-transition digital facility on the tower currently used for the station's analog facility, which is located near Portales, New Mexico, just southwest of Clovis. In connection with the Station's effort to prepare for its transition to its final DTV service, Barrington conducted an inspection of the Portales tower. This investigation uncovered severe mechanical problems that call into question the tower's ability to support the weight of the additional antenna that would be

¹ This Petition is filed pursuant to the procedures adopted in the Commission's Public Notice, "Commission Lifts the Freeze on the Filing of Maximization Applications and Petitions for Digital Channel Substitutions, Effective Immediately," DA 08-1213 (rel. May 30, 2008).

² See File No. BDTRCT-20080219BLA.

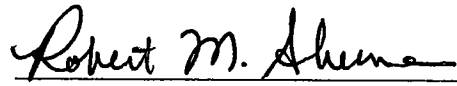
Specifically, although Barrington would need to install a Channel 12 DTV transmitter to facilitate Channel 12 operation, this installation could be accomplished without discontinuing Channel 12 analog service. Moreover, the Station would be able to reuse its existing Channel 12 antenna and transmission line, avoiding the safety and tower loading concerns that necessitate this Petition. As a result, the switch to Channel 12 for digital service would involve only one night of disruption in analog service as the new transmitter is connected to the Station's existing transmission line. After this brief interruption, the Station would be able to provide digital service on Channel 12 to substantially all of its current analog viewers.

If this petition is granted, Barrington intends to apply for a permit to construct its final Channel 12 DTV facility, using the existing Channel 12 antenna and tower, to operate at an effective radiated power of 1.5 kW. As described in the Engineering Statement, based on Barrington's planned application, the proposed allotment would not cause interference to any other station. The proposed facility would create only *de minimis* interference – less than one percent of population served – to only one facility proposed by a pending application, which was filed more than seven years ago and was never accepted for filing.⁴

⁴ Barrington is, in any event, not required to protect this long-pending application from interference. See 47 C.F.R. § 73.623(h).

For these reasons, the public interest would be served by substituting Channel 12 for the existing Channel 20 digital allotment in Clovis. Barrington respectfully requests that the Commission amend Section 73.622 of its rules accordingly.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert M. Sherman". The signature is written in a cursive style with a horizontal line underneath.

Jennifer A. Johnson

Robert M. Sherman

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Counsel to Barrington Amarillo

License LLC

June 20, 2008

Engineering Statement

The following engineering statement and attached exhibits have been prepared for **Barrington Amarillo License LLC** ("Barrington"), licensee of television station KVIH-TV at Clovis, New Mexico, and are in support of their petition for Rulemaking.¹

Under the Appendix B Table of Allotments, KVIH-DT was allocated DT channel 20. The allocation specifies that KVIH-DT would operate with a maximum effective radiated power of 598 kW at a center of radiation of 204 meters above average terrain. This allotment also specifies antenna ID 74900, which is the replication pattern for the current KVIH-TV antenna. This particular antenna is, however, non-directional.

Barrington seeks to modify the relevant entry in the Appendix B table of allotments as follows:

Current:	Clovis, NM	20
Proposed:	Clovis, NM	12

This proposed change to the table of allotments will permit KVIH-TV to flash-cut to digital operations on its current NTSC channel utilizing the existing analog antenna and transmission line at the conclusion of NTSC full-power operations in 2009.

In addition to the change in channel, Barrington proposes that the allotment be modified to specify an effective radiated power of 1.5 kW. The center of radiation above average terrain would remain unchanged at 204 meters based on 360 radial sampling of a 3-second linearly interpolated

¹ The facility ID for KVIH-TV is 40450.

terrain database.² This height is consistent with the current KVIH-TV analog antenna. Since the existing NTSC antenna is non-directional, Barrington requests that a blank antenna ID be assigned to this modified entry. No change in the location of the allotment is proposed.³

The proposed changes to the Appendix B Table of Allotments would be consistent with Commission Rules and Policies currently in effect. The change to channel 12 would not result in impermissible interference to any allocated, proposed, or authorized facility. Exhibits E-1 and E-2 comprise a Longley-Rice based interference study, which demonstrate that the proposed allocation would cause no interference to relevant facilities in the region.

The change to the KVIH-DT allotment would comply with the provisions of Section 73.625 of the Commission's Rules with regard to coverage over the community of license. Exhibit E-3 depicts the coverage from the proposed facilities. As this map demonstrates, the entire community of Clovis, New Mexico would lie within the 43 dBu F(50,90) service contour and would receive a signal level of at least 43 dBu as determined by Longley-Rice.

The service area for the proposed allocation is illustrated and tabulated in Exhibits E-4 and E-5. As these two exhibits demonstrate, the service area of the proposed allotment has a resident population of 75,559 persons by the 2000 US Census data. The proposed allotment is calculated to receive 0.99 percent interference if BNPTVL-20000831CJT is granted and constructed as specified in its pending application. If that application is dismissed, the proposed allocation would receive 0.00 percent interference.

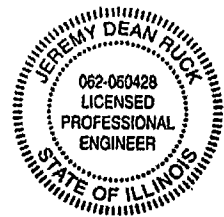
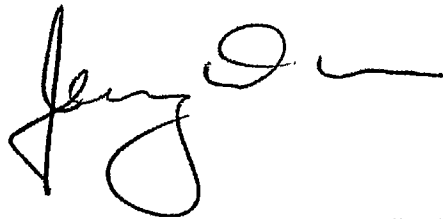
² Without rounding, the center of radiation would be 204.3 meters above average terrain, which is equivalent to 1437 meters above mean sea level.

³ Geographic coordinates would remain as 34-11-34 North Latitude and 103-16-44 West Longitude by NAD27.

The summary of the proposed technical parameters to the KVIH-DT allocation is as follows:

Channel of Operation:	12
Latitude:	34-11-34 North
Longitude:	103-16-44 West
DTV ERP (kw):	1.5 kW
DTV HAAT (m):	204 meters
Antenna ID:	<i>blank</i>

The preceding statement and attached exhibits has been prepared by me, or under my direction, and are true and accurate to the best of my belief and knowledge.



Above signature is digitized copy of actual signature
License Expires November 30, 2009

Jeremy D. Ruck, PE
June 16, 2008

KVIH.DT

Latitude: 34-11-34 N
Longitude: 103-16-44 W
ERP: 1.50 kW
Channel: 12
Frequency: 207.0 MHz
AMSL Height: 1437.0 m
Horiz. Pattern: Omni
Vert. Pattern: Yes
Elec Tilt: 0.0
Prop Model: Longley/Rice
Climate: Cont temperate
Conductivity: 0.0050
Dielec Const: 15.0
Refractivity: 301.0
Receiver Ht AG: 10.0 m
Receiver Gain: 0 dB
Time Variability: 10.0%
Sit. Variability: 50.0%
ITM Mode: Broadcast

D.L. Markley & Associates, Inc.

- ☒ KVIH.DT
- ☐ K12LQ
- ☐ K12MP
- ☐ K12NH
- ☐ K12OG-D.C
- ☐ K13RK-D.A
- ☐ KCBD-D
- ☐ KCBD-D.C
- ☐ NEW.A
- ☐ NEW.A
- ☐ NEW.A

K12OG-D.C

K12LQ

NEW.A
NEW.A

KVIH.DT

K13RK-D.A

KCBD-D.C

K12MP

K12NH

NEW.A

Exhibit E-1
Outgoing Interference Study
KVIH-DT - Clovis, New Mexico
Barrington Amarillo License LLC
June, 2008

Scale 1:3,000,000

0 40 80 120 km

Exhibit E-2
 Outgoing Interference Population Report
 Based on Proposed Modified Appendix B Facilities.

KVIH.DT (12) Clovis, NM
 Broadcast Type: Digital Service: V
 Lat: 34-11-34 N Lng: 103-16-44 W ERP: 1.5 kW AMSL: 1437.0 m
 TV Outgoing Interference Study
 Signal Resolution: 2.0 km
 Consider NTSC Taboo: Yes
 KWX error points are considered to
 be interference free coverage.
 Default # of radials computed for contours: 72
 Contours calculated using 8 radial HAAT.
 LR Profile Spacing Increment: 1.0 km
 Masked interference points are being
 counted as interference.
 Pop Centroid DB: 2000 US Census (SF1)

Study Date: 6/16/2008
 TV Database Date: 6/14/2008

Primary Terrain: V-Soft 3 Second US Terrain
 Secondary Terrain: V-Soft 30 Second US Database

Population Database: 2000 US Census (SF1)

 Stations Considered:

Call Letters	City	State	Dist	Bear
K12LQ (12N)	Buena Vista	NM	261.7	316.9
K12MP (12N)	Timberon	NM	281.5	233.2
K12NH (12Z)	Hobbs	NM	164.9	175.8
K12OG-D.C (12)	Taos	NM	319.7	320.6
K13RK-D.A (13)	Roswell	NM	134.5	229.6
KCBD-D (11)	LUBBOCK	TX	151.7	118.0
KCBD-D.C (11)	Lubbock	TX	151.7	118.0
NEW.A (12Z)	Amarillo	TX	177.8	48.7
NEW.A (12+)	Midland	TX	274.6	154.6
NEW.A (12Z)	Amarillo	TX	162.7	47.1

Call	Area	HUnits	Contour	Masked Ix	Unmasked Ix	%
K12LQ (12N)	0.0	0	232	0	0	0.0
K12MP (12N)	0.0	0	114	0	0	0.0
K12NH (12Z)	0.0	0	15,300	0	0	0.0
K12OG-D.C (12)	0.0	0	8,763	0	0	0.0
K13RK-D.A (13)	0.0	0	59,539	0	0	0.0
KCBD-D (11)	0.0	0	374,941	0	0	0.0

KCBD-D.C (11)	0.0	0	374,393	0	0	0.0
NEW.A (12Z)	0.0	0	138,737	0	0	0.0
NEW.A (12+)	0.0	0	50,670	0	0	0.0
NEW.A (12Z)	0.0	0	165,492	0	0	0.0

Housing Units Population

KVIH.DT

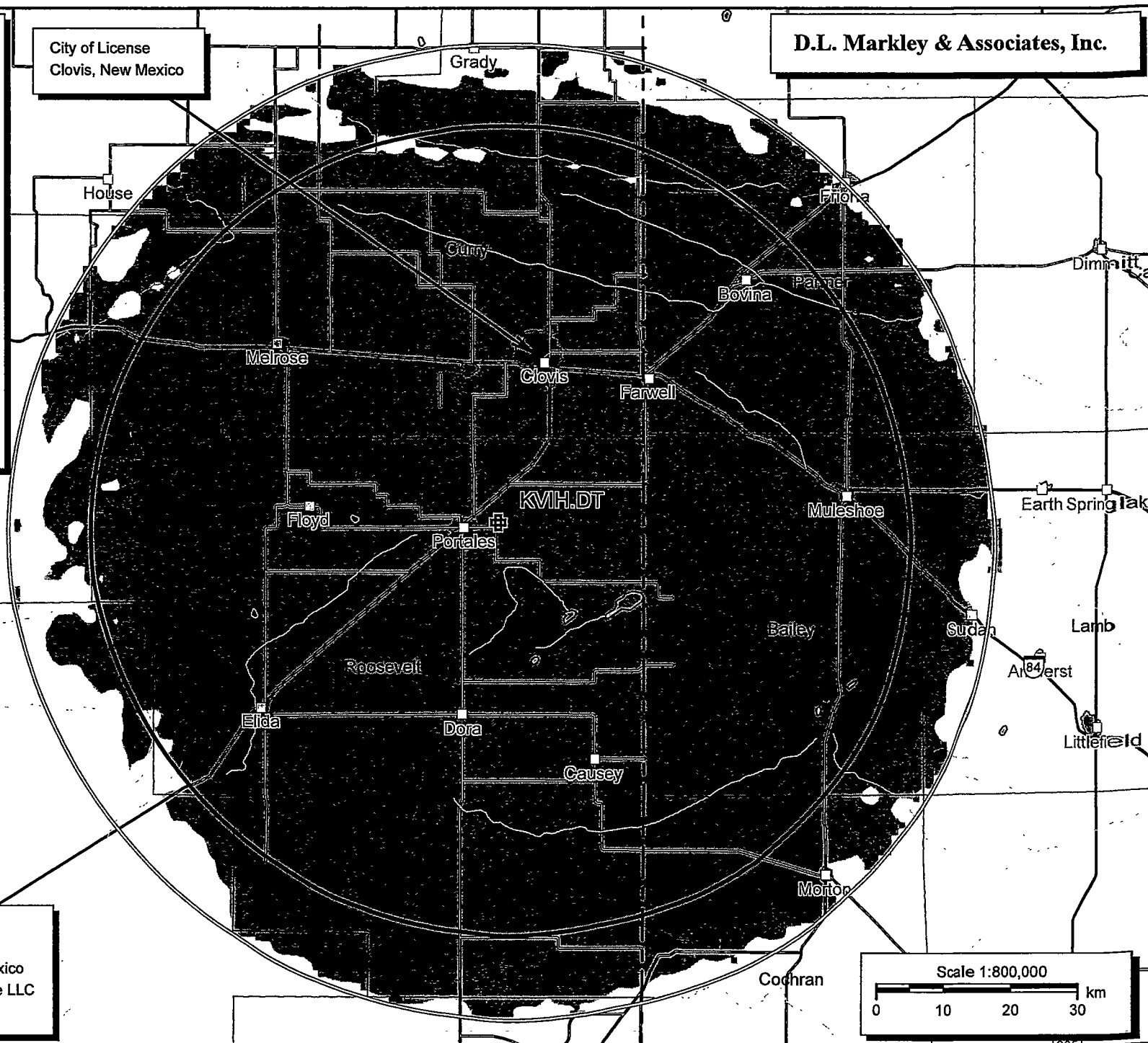
Latitude: 34-11-34 N
Longitude: 103-16-44 W
ERP: 1.50 kW
Channel: 12
Frequency: 207.0 MHz
AMSL Height: 1437.0 m
Horiz. Pattern: Omni
Vert. Pattern: Yes
Elec Tilt: 0.0
Prop Model: Longley/Rice
Climate: Cont temperate
Conductivity: 0.0050
Dielec Const: 15.0
Refractivity: 301.0
Receiver Ht AG: 10.0 m
Receiver Gain: 0 dB
Time Variability: 90.0%
Sit. Variability: 50.0%
ITM Mode: Broadcast

City of License
Clovis, New Mexico

D.L. Markley & Associates, Inc.

■ > 43.0 dBu
■ 36.0 - 43.0

Exhibit E-3
City of License Coverage
KVIH-DT - Clovis, New Mexico
Barrington Amarillo License LLC
June, 2008



KVIH.DT

Latitude: 34-11-34 N
Longitude: 103-16-44 W
ERP: 1.50 kW
Channel: 12
Frequency: 207.0 MHz
AMSL Height: 1437.0 m
Horiz. Pattern: Omni
Vert. Pattern: Yes
Elec Tilt: 0.0
Prop Model: Longley/Rice
Climate: Cont temperate
Conductivity: 0.0050
Dielec Const: 15.0
Refractivity: 301.0
Receiver Ht AG: 10.0 m
Receiver Gain: 0 dB
Time Variability: 90.0%
Sit. Variability: 50.0%
ITM Mode: Broadcast

Service Area Population: 75,559

D.L. Markley & Associates, Inc.

- ☒ KVIH.DT
- ☐ KCBD-D
- ☐ KCBD-D.C
- ☐ K11JD
- ☐ K12OG-D.C
- ☐ K12FM-D.C
- ☐ NEW.A
- ☐ K12OG.C
- ☐ K12LQ
- ☐ K12FM
- ☐ K12OG
- ☐ K12OC
- ☐ K12MP
- ☐ NEW.A
- ☒ NEW.A
- ☐ K12NH
- ☐ K13RK-D.A
- ☐ KDAX-L
- ☐ NEW.A
- ☐ NEW.A
- ☐ K13RK

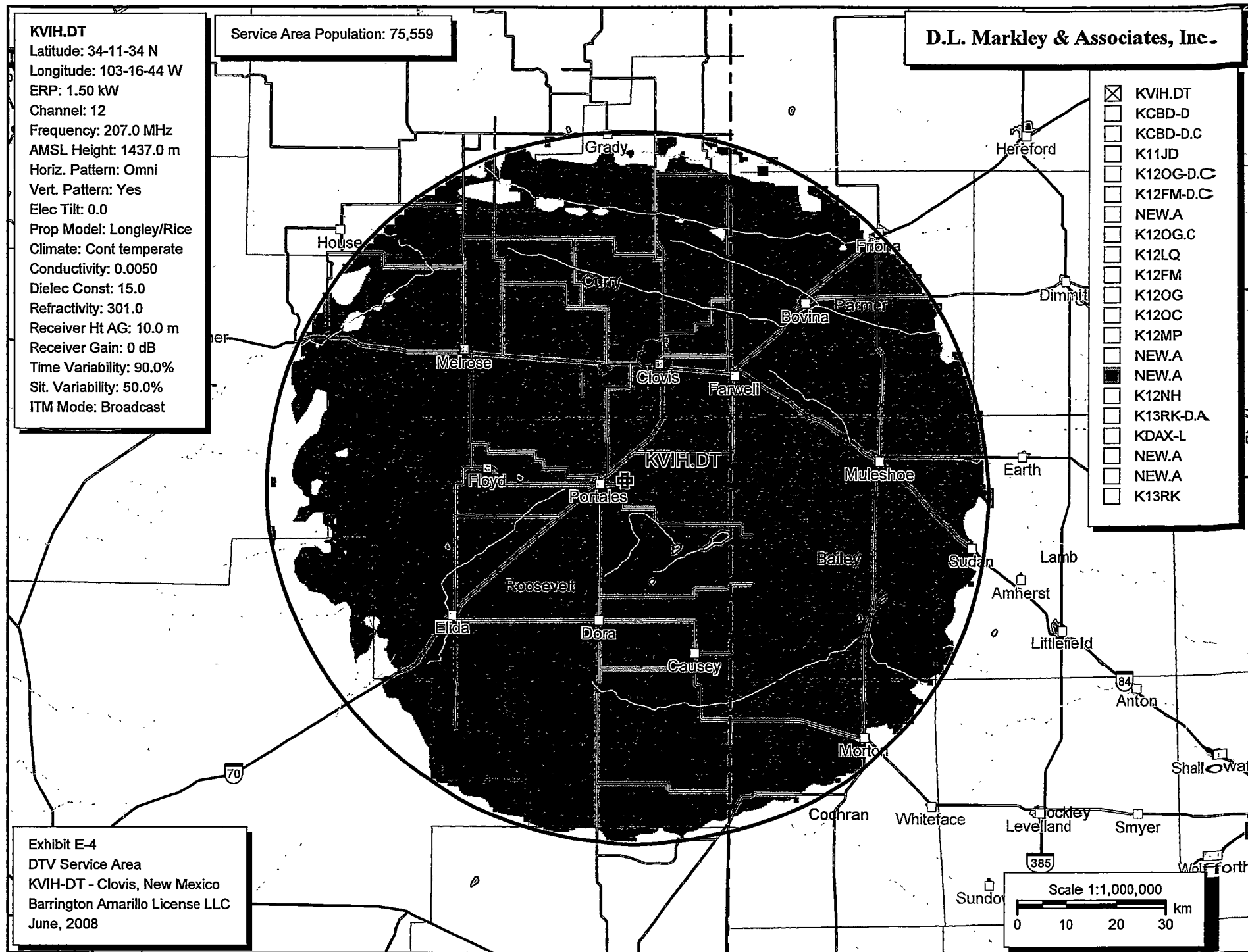


Exhibit E-5

DTV Service Area Population Tabulation and Summary

KVIH.DT (12) Clovis, NM

Broadcast Type: Digital Service: V

Lat: 34-11-34 N Lng: 103-16-44 W ERP: 1.5 kW AMSL: 1437.0 m

TV Incoming Interference Study

Interference Considered Within: FCC Contour: 36 dBu

Signal Resolution: 2.0 km

LR Profile Spacing Increment: 1.0 km

Consider NTSC Taboo: Yes

KWX error points are considered to
be interference free coverage..

of radials computed for protected contour: 360

Threshold for reception: 36.0

Pop Centroid DB: 2000 US Census (SF1)

Study Date: 6/16/2008

TV Database Date: 6/14/2008

Primary Terrain: V-Soft 3 Second US Terrain

Secondary Terrain: V-Soft 30 Second US Database

Population Database: 2000 US Census (SF1)

Percentages calculated using a baseline population of 76,316.

Stations which cause interference:

Call Letters	H Units	Population	%	Area (sq. km)
NEW.A (12Z)	330	757	0.992	28.15

Masking Summary:

Call Letters	Total Interference Population	%	Unique Interference Population	%
NEW.A (12Z)	757	0.992	757	0.992

Stations considered which do not cause interference:

KCBD-D (11)
KCBD-D.C (11)
K11JD (11N)
K12OG-D.C (12)
K12FM-D.C (12)
NEW.A (12+)
K12OG.C (12N)
K12LQ (12N)
K12FM (12N)
K12OG (12N)
K12OC (12N)
K12MP (12N)
NEW.A (12Z)

K12NH (12Z)
 K13RK-D.A (13)
 KDAX-L (13+)
 NEW.A (13N)
 NEW.A (13N)
 K13RK (13N)

Call Letters	City	State	Dist	Bear
KCBD-D (11)	LUBBOCK	TX	151.7	118.0
KCBD-D.C (11)	Lubbock	TX	151.7	118.0
K11JD (11N)	Conchas Dam, Etc.	NM	147.1	324.1
K12OG-D.C (12)	Taos	NM	319.7	320.6
K12FM-D.C (12)	Fort Stockton	TX	369.4	173.7
NEW.A (12+)	Midland	TX	274.6	154.6
K12OG.C (12N)	Taos	NM	319.7	320.6
K12LQ (12N)	Buena Vista	NM	261.7	316.9
K12FM (12N)	Fort Stockton	TX	369.4	173.7
K12OG (12N)	Taos	NM	338.4	322.2
K12OC (12N)	Red River	NM	335.3	326.1
K12MP (12N)	Timberon	NM	281.5	233.2
NEW.A (12Z)	Amarillo	TX	162.7	47.1
NEW.A (12Z)	Amarillo	TX	177.8	48.7
K12NH (12Z)	Hobbs	NM	164.9	175.8
K13RK-D.A (13)	Roswell	NM	134.5	229.6
KDAX-L (13+)	Amarillo	TX	167.7	52.7
NEW.A (13N)	Amarillo	TX	163.0	47.8
NEW.A (13N)	Amarillo	TX	162.7	47.1
K13RK (13N)	Roswell	NM	134.5	229.6

Totals for KVIH.DT (12)

Calculation Area Population:	81,050	(16333.5 sq. km)
Not Affected by Terrain Loss:	76,316	(15008.0 sq. km)
Total NTSC Interference:	757	(28.2 sq. km)
DTV Only Interference:	0	(0.0 sq. km)
Total DTV Interference:	0	(0.0 sq. km)
Interfered Population:	757	(28.2 sq. km)
Interference Free:	75,559	(14979.8 sq. km)

Percent Interference: 0.99

Terrain Blocked Population:	4,734	(1325.6 sq. km)
Contour Area Population:	81,573	

Interference Free Breakdown:

White:	44,216	(58.5%)
Black:	3,341	(4.4%)
Hispanic:	25,421	(33.6%)
Native American:	438	(0.6%)
Asian:	903	(1.2%)
Pacific Islander:	51	(0.1%)
Mixed Race:	1,115	(1.5%)
Other:	74	(0.1%)
Total:	75,559	

	Housing Units	Population	% of County
New Mexico			
Chaves County			
County Pop	25,647	61,382	
KVIH.DT (12)	7	20	
Ix Free	7	20	100.00
Curry County			
County Pop	19,212	45,044	
KVIH.DT (12)	19,066	44,753	
Ix Free	19,066	44,753	100.00
De Baca County			
County Pop	1,307	2,240	
KVIH.DT (12)	8	13	
Ix Free	8	13	100.00
Lea County			
County Pop	23,405	55,511	
KVIH.DT (12)	4	3	
Ix Free	4	3	100.00
Quay County			
County Pop	5,664	10,155	
KVIH.DT (12)	28	59	
Ix Free	28	59	100.00
Roosevelt County			
County Pop	7,746	18,018	
KVIH.DT (12)	7,739	18,001	
Ix Free	7,739	18,001	100.00

	Housing Units	Population	% of County
Texas			
Bailey County			
County Pop	2,738	6,594	
KVIH.DT (12)	2,738	6,594	
Ix Free	2,738	6,594	100.00
Castro County			
County Pop	3,198	8,285	
KVIH.DT (12)	0	0	
Ix Free	0	0	

Cochran County			
County Pop	1,587	3,730	
KVIH.DT (12)	184	353	
Ix Free	184	353	100.00
Deaf Smith County			
County Pop	6,914	18,561	
KVIH.DT (12)	0	0	
NEW.A (12Z)	0	0	
Ix Free	0	0	
Hockley County			
County Pop	9,148	22,716	
KVIH.DT (12)	0	0	
Ix Free	0	0	
Lamb County			
County Pop	6,294	14,709	
KVIH.DT (12)	469	1,080	
NEW.A (12Z)	328	754	69.81
Ix Free	141	326	30.19
Parmer County			
County Pop	3,732	10,016	
KVIH.DT (12)	2,059	5,440	
NEW.A (12Z)	2	3	0.06
Ix Free	2,057	5,437	99.94